

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY
ACT

14-14-H. Enforcement in Cases of a Release Subject to State Programs

1. **AUTHORITY.**

- a. To exercise authority pursuant to Section 128(b)(1)(B)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.
- b. To exercise authority pursuant to Section 128(b)(1)(B)(iii) or (iv).
- c. To exercise authority pursuant to Section 128(b)(1)(D) (regarding the notification of States).
- d. To exercise authorities pursuant to Section 128(b) other than those authorities specified in paragraphs 1.a. through 1.c. above and in paragraphs 1.b., 1.e., and 1.f. in National Delegation 14-14-H issued on July 28, 2003 and updated on February 1, 2017.

2. **TO WHOM REDELEGATED.** Regional counsel.

3. **LIMITATIONS.**

- a. The delegatee must exercise the authority in paragraph 1.a. in consultation with the assistant administrator, Office for Enforcement and Compliance Assurance, and the assistant administrator, Office of Land and Emergency Management. The AA for OECA and the AA for OLEM may waive, in whole or in part, this limitation by memorandum.
- b. The delegatee must obtain the concurrence of the AA for OECA in consultation with the AA for OLEM prior to exercising the authority in paragraph 1.b. When immediate action is necessary, the delegatee may exercise the authority in paragraph 1.b. without concurrence after providing notice to the AA for OECA and the AA for OLEM. The AA for OECA and the AA for OLEM may waive, in whole or in part, this limitation by memorandum.
- c. These authorities shall only be exercised in consultation with the director or designee, Superfund and Emergency Management Division.

4. **REDELEGATION AUTHORITY.**

- a. The authorities in paragraphs 1.a., 1.b. and 1.c. may be redelegated to the branch chief level, or equivalent, and no further.
- b. The authority in paragraph 1.d. may be redelegated to the section chief level, or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. CERCLA §§ 106, 107 and 128.
- b. Small Business Liability Relief and Brownfields Revitalization Act § 231.
- c. Referral of judicial enforcement actions brought under Section 107 are covered by Delegation 14-12, Civil Judicial Enforcement Actions.
- d. Delegation 14-42, Concurrence in the Exercise of Authority under CERCLA Sections 106(a) and 122 by the Secretaries of Interior, Commerce, Agriculture, Defense and Energy.
- e. Executive Order 13308, June 20, 2003.



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date